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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/612,736

07/02/2003

Takehiko Ohara

679A 3298

5791

3713 7590 02/20/2007  
KODA & ANDROLIA  
2029 CENTURY PARK EAST  
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EXAMINER

CHANNAVAJALA, LAKSHMI SARADA

ART UNIT

PAPER NUMBER

1615

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/20/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/612,736

Applicant(s)

OHARA, TAKEHIKO

Examiner

Lakshmi S. Channavajjala

Art Unit

1615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Receipt of amendment and remarks dated 11-16-06 is acknowledged.

Claim 1-3 are pending in the instant application.

In response to the amendment filed 11-16-06, the previous rejections (action dated 6-23-06) has been withdrawn and the following new rejection has been applied:

#### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US 4,767,648 to Hokoma et al (Hokoma).

Hokoma teaches a method of accomplishing rapid and durable French manicure, comprising the steps of providing a flexible tab having a white surface that has an oversized finger nail tip, applying the tab to the finger nail and trimming the tab extent beyond the forward edge of the fingernail (abstract, claim 1). Hokoma teaches that before applying the tab to the fingernail, the nail is coated with a primer liquid coating, over the entire surface of the nail (col. 2, L 60-64) and allowed it to dry so that the tab is adherent to the coating (claim 2 of Hokoma). Thus, the step of primer coating of Hokoma reads on instant step of coating with a thermoplastic coating. Hokoma further teaches that the tab consists of flexible sheet and a pressure sensitive adhesive under layer, adapting the tab to be applied to the nail. The step of attaching the tab (that constitutes the artificial nail), by means of a pressure sensitive adhesive, to the polymer coat reads on instant steps 2 and 3 because even though Hokoma teaches the

Art Unit: 1615

presence of an adhesive underneath the tab and not as a separate step of coating over the polymer coat, it is the adhesive of the tab that is in contact with the dried polymer coat. Therefore, Hokoma anticipates instant claims.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,767,648 to Hokoma in view of JP 02067384.

Hokoma, discussed above, does not teach an aqueous emulsion of the coating on fingernails before applying the artificial nail. However, Hokoma states that the primer coating is a liquid. Accordingly, preparing an aqueous or non-aqueous coating, depending on the polymer employed (as a coating material), would have been obvious for one of an ordinary skill in the art at the time of the instant invention, with an expectation to achieve a coating on the nail so that the artificial nail is properly secured via the pressure sensitive adhesive. Further, Hokoma fails to teach the specific polymer of claim 3. However, the polymer of Hokoma is nothing but an adhesive because Hokoma employs Crazy glue.

JP teaches a water-based adhesive composition that is safe for human body and that has a strong sticking force (abstract). The adhesive of JP comprises a copolymer emulsion of ethylene, vinyl acetate, acrylate and polyvinyl alcohol. It would have been obvious for one of an ordinary skill in the art at the time of the instant invention to

Art Unit: 1615

incorporate the adhesive of JP as a polymer coating in place of Crazy Glue of Hokoma, to coat the fingernails before placing the artificial nail containing the adhesive tab because JP suggests that the above copolymer is safe for human use while being very sticky.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

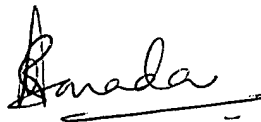
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lakshmi S. Channavajjala whose telephone number is 571-272-0591. The examiner can normally be reached on 7.00 AM -4.00 PM.

Art Unit: 1615

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on 571-272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit 1615  
February 13, 20067



LAKSHMI S. CHANNAVAJJALA  
PRIMARY EXAMINER